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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,196	01/11/2000	PÅUL MATTHEW PIRILLO	8461	5306
26884 7	590 11/28/2003		EXAMINER	
PAUL W. MARTIN			CHANG, SABRINA A	
LAW DEPART	TMENT, WHQ-5E			
	ERSON BLVD.		ART UNIT PAPER NUMBER	
DAYTON, OH 45479-0001			3625	
			DATE MAIL ED: 11/29/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Advisory Action	09/481,196	PIRILLO, PAUL MA	THEW /		
navicery neutrin	Examiner	Art Unit			
	Sabrina Chang	3625			
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress		
THE REPLY FILED 13 November 2003 FAILS TO PLAC Therefore, further action by the applicant is required to av final rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appeal Examination (RCE) in compliance with 37 CFR 1.114.	roid abandonment of this applica a timely filed amendment which (with appeal fee); or (3) a timely	ition. A proper reply n places the applica	/ to a tion in		
PERIOD FOR RE	PLY [check either a) or b)]				
<ul> <li>a)</li></ul>	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF TH	g date of the final rejections.  JE FINAL REJECTION.	on. See MPEP		
Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period of fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Offic timely filed, may reduce any earned patent term adjustment. See 37 C	If extension and the corresponding amo the shortened statutory period for reply the later than three months after the mail	unt of the fee. The approriginally set in the final	opriate extension Office action; or		
1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFF					
2. The proposed amendment(s) will not be entered be	ecause:				
(a) they raise new issues that would require further	er consideration and/or search (s	see NOTE below);			
(b) they raise the issue of new matter (see Note below);					
<ul><li>(c)  they are not deemed to place the application in issues for appeal; and/or</li></ul>	n better form for appeal by mate	rially reducing or sir	nplifying the		
<ul><li>(d)  they present additional claims without canceling</li><li>NOTE:</li></ul>	ng a corresponding number of fi	nally rejected claims	5.		
3. Applicant's reply has overcome the following reject	ion(s):				
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a se	eparate, timely filed	amendment		
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because: See		dered but does NO	Γ place the		
6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY t	o issues which were	enewly		
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we			nd an		
The status of the claim(s) is (or will be) as follows:					
Claim(s) allowed:					
Claim(s) objected to:					
Claim(s) rejected:					
Claim(s) withdrawn from consideration:					
8. $\square$ The proposed drawing correction filed on is	a)☐ approved or b)☐ disapp	roved by the Exami	ner.		
9. Note the attached Information Disclosure Statemer	nt(s)( PTO-1449) Paper No(s)				
10. Other:	Seffrey & Primary E	, Smith xaminer			







Continuation of 5. does NOT place the application in condition for allowance because: The applicant's arguments have not been found persuasive. The applicant asserts that the examiner has not adequately addressed the recitation of the system's ability to receive customer information and generate customer-specific selectable options which facilitate commercial transactions. While the examiner concedes that there is no explicit discussion of a "terminal data manager" or a "terminal support manager", the lack of these specific terms in Heutschi does not then preclude its qualification as prior art.

Heutschi specifically addresses a user's remote access of a centralized system for accounting/payment processing [Fig.1] as well as product information. Examiner reasserts that this disclosure sufficiently reads on the claims as recited. The user uses a portable device, that is capable of storing and displaying data [Figs. 1 and 2] to access an automatic distributor [Col 1, Line 56], to purchase and download digital media [Figs. 4-9]. The automatic distributor/kiosk does not store the digital media or the customer information itself, but rather via the Internet accesses a remote repository of information. The remote repository manages the media, accounting and inherently information about the user - evidenced by the explicit recognition of the user through a pin number, credit card or other means [Col 4, Line 57]. Heustchi explicitly discloses the transmission of a catalog from the governing system - via the terminal and then the user's portable device - that is "targeted on the requirements and shopping habits of the user" [Figure 9]. The system stores in a centralized location, user-specific information - financial or otherwise. Applicant's claims simply describes a remote customer database that is used to facilitate customer-specific marketing. Generally, the examiner respectfully asserts that such targeted customer marketing is a well known business practice. Specifically, Heutschi's catalog display that is "targeted" to the shopping habits of the user is sufficient to demonstrate exercise of this practice.

In specific response to the applicant's assertion that the recitation of claim 9 has not been met, the examiner respectfully reasserts that the combination of Heutschi and McManus IS proper because both systems do explicitly deal with kiosks. Heutschi's purpose is to provide a user with a means of obtaining media or products in a retail environment. The means by which they take that media with them, whether downloaded on their device or onto a CD, does not in and of itself lend to an unexpected result or an improvement to the system..